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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/797,079 02/10/97 BENNETT

AT9-97-044  
EXAMINER

DAVID H. JUDSON  
HUGHES & LUCE  
1717 MAIN STREET  
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DALLAS TX 75201

LM02/0718

ART UNIT 2000 PAPER NUMBER 8

DATE MAILED 05/7

07/18/00

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

## OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 5/13/00

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-31 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) 1-31 is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 All  Some\*  None of the CERTIFIED copies of the priority documents have been received.  
 received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of Reference Cited, PTO-892  
 Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
 Interview Summary, PTO-413  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  
 Notice of Informal Patent Application, PTO-152

Dung C. Dinh  
Primary Examiner

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

**DETAILED ACTION**

Applicant's arguments filed 5-3-00 have been fully considered but they are not persuasive.

Applicant provided a lengthy argument distinguishing the claimed "profile" from Averbuch's "parameters". The argument is not persuasive because the claim language as present does not provide the specific detail argued by applicant. Furthermore, the examiner never mapped the "parameters" to the "profile" limitation in the rejection. The claim recites "generating a profile of the file includes identifying information for each components". Col.5 lines 36-39, Averbuch discloses the server inform (i.e generating) the battery charger the size of the updated software to be downloaded (i.e the claimed profile). See col.5 line 38.

As per the argument directing to the 103 rejection. The examiner position is as stated in the response to the argument in the prior office cation (paper #6).

Claims 1-4, 8, 17-20, 21, 22-23, 24-25, 26-27, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Averbuch et al. US patent 5,689,825 as stated in the prior office action (paper #6).

**Claims 1-31 are rejected under 35 U.S.C 103(a) as stated in the office action paper #4.**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

**Any response to this action should be mailed to:**

BOX AF  
Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Serial Number: 08/797,079  
Art Unit: 2757

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Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



Dung Dinh  
Primary Examiner  
January 28, 2000